

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**RACHEL MOORE,**

**Plaintiff,**

**v.**

**OLLIE’S BARGAIN OUTLET,  
INC.,**

**Defendant.**

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**Case No.: 1:23-cv-01764-CLM**

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**PLAINTIFF’S RESPONSE IN OPPOSITION TO DEFENDANT’S MOTION  
TO DISMISS PLAINTIFF’S AMENDED COMPLAINT**

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Comes Now the Plaintiff, by and through counsel, and files their response in opposition to Defendant’s Motion to Dismiss. Plaintiff respectfully requests this Honorable Court to enter an order Denying Defendant’s motion and, in support, states as follows:

This action arises out of fall that occurred on November 30, 2021, when Plaintiff was at the Defendant’s location of Ollie’s Bargain Outlet at 540 W Fort Williams St., Sylacauga, AL 35150, in Talladega County, Alabama. On November 17, 2023, Plaintiff filed its Complaint in state court. The action was then removed to federal court by the Defendant. On January 2, 2024, Defendant filed its Motion to Dismiss the Complaint or in the alternative Motion for More Definite Statement. On January 9, 2024, Plaintiff filed its Amended Complaint to include a more definite statement.

On January 16, 2024, Defendant filed another Motion to Dismiss stating that the Defendant cannot respond to the Amended Complaint because it does not state plausible claims due to being too vague. As set out more fully in Plaintiff's Memorandum Brief, Plaintiff requests the Court deny the Defendant's motion for the following grounds.

1. Sufficient facts were plead to support a claim for negligence.
2. Sufficient facts were plead to support a claim for wantonness.

WHEREFORE, based on the reasons stated above, along with the arguments contained in the Memorandum of Law incorporated below, Plaintiff requests that the Court deny Defendant's Motion to Dismiss the Complaint, and provide any further relief deemed just and proper.

Dated: January 30, 2024.

Respectfully submitted,

/s/ Karl Dover

KARL DOVER

GREGORY R. BUCHANAN

ATTORNEYS FOR THE PLAINTIFF

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this date, January 30, 2024, using the CM/ECF filing system which will send electronic notification of such filing, served a copy of the foregoing pleading upon all counsel of record:

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/s/ Karl Dover  
KARL DOVER  
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